



Ninety-Ninth Legislature - First Session - 2005
Committee Statement
LB 123

Hearing Date: March 11, 2005

Committee On: Judiciary

Introducer(s): (Friend, Redfield, Schrock)

Title: Change provisions relating to convictions set aside and sex offender registration

Roll Call Vote – Final Committee Action:

Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

Vote Results:

7	Yes	Senators Aguilar, Bourne, Combs, Flood, Foley, Friend, Pedersen
	No	
	Present, not voting	
1	Absent	Senator Chambers

Proponents:

Senator Mike Friend

Shannon Black

Todd Reckling

Mary Powell

Representing:

Introducer

Nebraska State Patrol

Nebraska Department of Health and Human
Services

Nebraska Organization of Nurse Executives

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 123 proposes to amend Nebraska statutes regarding sex offender registration and the legal effect of a court order to set aside a conviction.

The bill provides that a court order to set aside a conviction shall not preclude proof of the conviction whenever the fact of conviction is relevant to a determination of a sex offender's risk of recidivism or relieve a person convicted of a crime requiring registration under the sex offender registry act from complying with the terms of the act. The bill also amends the sex offender registration act to clarify that an offender convicted of a crime requiring registration

who has the conviction set aside or nullified is still required to register unless the offender has been granted a pardon.

The bill adds a provision requiring persons registered under the sex offender registration act to notify the sheriff of the county in which they are located within five days if the person does not have a residence or is not temporarily domiciled, and to update the sheriff at least every thirty days while such person remains without a residence.

Lastly, the bill expands purposes for which information collected under the sex offender registration act may be disclosed. Currently, the law allows information to be disclosed to government agencies other than law enforcement only for the purpose of conducting background checks for employment purposes. LB 123 expands this language to allow information to be disclosed to governmental agencies for public safety purposes, and directs the Nebraska State Patrol to develop rules and regulations governing the release of such information.

Explanation of amendments, if any:

The committee amendment makes three changes to the bill as introduced.

1. The amendment strikes the section of the bill requiring homeless sex offenders to inform the sheriff within five days of becoming homeless and every thirty days thereafter if they remain homeless.
2. The amendment adds health care facilities providing services to children or vulnerable adults to the list of entities (including schools & day care facilities) to which the state patrol is required to distribute the list of level II registered sex offenders, defined as those offenders with a moderate risk of recidivism.
3. The bill strikes the proposed language allowing the state patrol to share confidential information on sex offenders with other state agencies for any “public safety purpose” and instead expands the purposes for which sharing of this information is allowed to include background checks of volunteers.

Senator Patrick J. Bourne, Chairperson